

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 19567 of 1994

Between:

The Dist.Medical and Health Officer, R R.Dist.

..... PETITIONER

AND

- 1 M.Munnaiah, C/o. V.Venkataraman,
H.No.16-1-24/1/B Saidabad Colony.
- 2 The Presiding Officer, Labour Court No.3 ,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Certiorari calling for the records leading upto the passing of the award dt.2-2-94 in I.D.No.345/93 passed by the second respondent and quash the same as being illegal improper unjust,biased and without any jurisdiction.

Counsel for the Petitioner: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the respondent No.1 : Mr.Vedula Srinivas.

Counsel for the Respondent No.2: GP FOR LABOUR.

The Court made the following :

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ORAL ORDER:

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1. This writ petition is filed challenging the award passed by the Labour Court III, Hyderabad in I.D.No.345 of 1993, dated: 2.2.1994.

2. The first respondent was working as cook in Government Hospital, Tandur. While so, his services were disengaged culminating the termination of services. Therefore, he raised an industrial dispute in I.D.No.345 of 1993. The learned tribunal after considering the matter held that the termination was not justified and accordingly, passed an award directing the reinstatement forthwith with instead of back wages compensation is awarded at the rate of Rs.200/- per month, against which the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the order passed by the Labour Court is wholly illegal and without jurisdiction. He submits that the findings recorded by the Labour Court are not sustainable in law. I am afraid, I cannot accept this contention. The Labour Court, after considering the material, held that the termination itself is illegal and violative of principles of natural justice.

4. Under these circumstances, the reinstatement instead of back wages compensation at the rate of Rs.200/- per month for the interregnum period is not arbitrary and illegal. I do not find any error, apparent on the face of the record.

5. Accordingly, this writ petition is dismissed. No costs.

G.BIKSHAPATHY, J.

06-08-2004

DVS

To

1. The District Medical and Health Officer, R.R.District.
2. The Presiding Officer, Labour Ciourt No.3, Hyderabad.
3. 2 C.D.copies.